

# WEST VIRGINIA -ELECTION CONNECTION-

*Your source for Election News from Secretary of State Natalie E. Tennant*

Issue 48 – September 18, 2012

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## **7 Weeks Until Election Day!**

On Tuesday, September 18, there will be exactly 7 weeks until the November 6 General Election!

## **Constitutional Amendment Status**

Recently, there has been media coverage of the constitutional amendment concerning term limits on sheriffs.

The Secretary of State's Office has taken full responsibility for missing the three-month newspaper notification publication deadline. That notification has now run, as required by code, in at least one newspaper in every county in West Virginia. The Secretary of State's Office also began an awareness program in partnership with the State Election Commission in the summer, which consisted of developing a webpage dedicated to amendment information and a card that can be handed to voters containing the text of the amendment and what a "yes" or "no" vote means. Thousands of these cards have been handed out since July, including hundreds at the State Fair.

Based on legal precedent the Secretary of State's Office does not believe this missed newspaper notification publication deadline affects the legality of the constitutional amendment, and that it can stay on the ballot to be voted on by the people of West Virginia.

## **Hardy County HAVA Grant Presentation**

Secretary Tennant will personally deliver a grant Thursday to the Hardy County Commission and Hardy County Clerk Gregory Ely to improve the handicapped access to the voting location at the Rig Civic Center.

The \$24,193.89 grant, which is financed by the VOTE funds from the U.S. Department of Health and Human Services, will fully fund the project. These funds are called the HAVA VOTE funds and are available as part of the Help America Vote Act of

2002. HAVA grants are comprised of federal funding that is administered by the West Virginia Secretary of State's Office.

The grant will pay for paving of the handicapped accessible parking lot and path to the polling place. The grant will also fully fund a project to cut out a wall and to install an entryway that is more accessible to the room where voting takes place, and to install a handicapped accessible outer door, deck, and wheelchair ramp.

Since 2004, \$643,075 has been awarded to counties to make voting more accessible. More than \$264,319 has been awarded since 2009.

Secretary Tennant is urging election officials around the state to examine voting locations in their counties to see if a HAVA grant could fully fund improvements.

### **Change In Write-In Candidate Deadline**

Today is the deadline for individuals to file to run as a write-in candidate for the November 6, 2012, General Election. W.Va. State Code §3-6-4a(c) says the Write-In Certificate of Announcement must be received by the proper filing officer (Secretary of State or County Clerk, depending on the office sought) by the end of business today. Please note this is a "received" deadline, and there are no provisions for accepting a Write-In Certificate of Announcement after the end of business today even if it is received by mail and bears a postmark prior to today's deadline.

Today, Secretary Tennant will certify the list of write-in candidate who have filed with the Secretary of State's Office. Both that full certification and a list of write-in candidates specific to each county will be emailed to you tomorrow. Please make sure to check your email for that list.

As a reminder, the list of official write-in candidates must be posted in two places during early voting and in two places in each precinct on Election Day.

### **Important Dates Coming Up**

- **September 18-November 6, 2012:** Election Officials and Alternates Appointed (No later than the forty-ninth day before the election)
  - o County Clerks Fill Vacancies of Election Officials from date of notification through day of general election. When a vacancy of any election official occurs the county clerk must work to fill that vacancy. (§ 3-1-30)
- **September 21, 2012 (Deadline):** Delivery of Absentee Ballots to County Clerk (Not less than forty-six days prior to general election)
  - o Last day for board of ballot commissioners to have printed and delivered to county clerk the official absent voters' ballots. (§ 3-3-11, 3-4-10)
- **September 21 – October 31, 2012 (November 1 for applications received October 31, 2012):** Mail Absentee Ballots (Within one day after the clerk has both the completed application and the ballot. Ballots delivered at least 46 days before election and applications due no later than sixth day before election)
  - o Upon acceptance of a completed application, the county clerk determines whether the requirements have been met and mails official absent voter's ballot(s), envelopes, instructions, and any other supplies required for

- voting the ballot. If the clerk determines the requirements have not been met, the clerk gives notice that the ballot will be provisional. (§ 3-3-5)
- **September 24-28: First General Report** (Not earlier than forty-three days or four business days thereafter preceding the general election)
    - o Candidates, agents, treasurers file with the Secretary of State or clerk of the county commission, as required, a detailed itemized statement setting forth all contributions received and expenditures made which exceed \$500 or whenever loans are outstanding subsequent to the previous statement. (§ 3-8-5, 3-8-5a, CSR 146-3-8)
  - **September 25 (Deadline, depending on date of appointment):** Notice Mailed to Election Officials (Within seven days following appointment)
    - o County commission notifies, by first-class mail, all election commissioners, poll clerks and alternates of their appointment, including a response form.(§ 3-1-30)
  - **October 2 (Deadline, depending on date of appointment):** Election Officials Respond to Notification from Clerk (Within fourteen days following the date of appointment)
    - o When an election official or alternate fails to return the response notice or otherwise confirm to the county clerk his or her agreement to serve within the required time, the position shall be considered vacant and the clerks shall proceed to fill the vacancies. (§ 3-1-30)
  - **October 9:** Instructional Program for Election Officials (Within thirty days prior to election)
    - o Clerk of county commission conducts instructional program showing training film produced by Secretary of State, to all election officials, explaining and illustrating procedures for conducting elections, duties of the various election officials and methods of voting. (§ 3-1-46(c), 3-4A-14)
  - **October 9 (Deadline):** Paper Ballots and Supplies Delivered to County Clerk (Not later twenty-eight days before general election)
    - o All official paper ballots, ballot cards and voting machine labels shall be delivered to the county clerk of the appropriate county. The number of regular official ballots shall equal 80% the number of active registered voters eligible to vote the ballot. (§ 3-1-21(c) & (e))
  - **October 11-17:** Publish Sample Ballot for Early Voting (Not more than twenty-six nor less than twenty days preceding the general election)
    - o Ballot commissioners publish sample official General ballot for each party, nonpartisan candidates, and public questions as follows: (1) for counties in which two or more qualified newspapers publish a daily newspaper, publish a Class I-0 legal advertisement in the two qualified daily newspapers of different political parties within the county having the largest circulation; (2) for counties having no more than one daily newspaper, or having only one or more qualified weekly newspapers, publish sample as Class I legal advertisement in the qualified newspaper having largest circulation. (§ 3-6-3, 59-3-1 et. seq.)

**Have an idea?**

Is there something that you want to see addressed in the Election Connection? The goal of this newsletter is to keep everyone up to date about challenges facing election officials in West Virginia and to inform everyone about best practices that are being put into place. If you have an idea for a topic, have a question, or if you think there is a subject that election officials around the state would be interested in, please do not hesitate to contact the Secretary of State's Office. You can contact the Elections Division by email at [elections@wvsos.com](mailto:elections@wvsos.com) or (304) 558-6000 or Jake Glance directly at [jglance@wvsos.com](mailto:jglance@wvsos.com). Your input is appreciated.